

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

KIRK DOUGLAS MILLER, )  
Petitioner, ) Civil Action No. 10-293 Erie  
v. )  
MARIROSA LAMAS, et al., )  
Respondents. )

**MEMORANDUM ORDER**

This habeas corpus action was received by the Clerk of Court on December 13, 2010 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [ECF No. 13], filed on February 15, 2012, recommended that the petition for writ of habeas corpus be denied and that a certificate of appealability be denied. The parties were allowed fourteen (14) days from the date of service to file objections. No objections have been filed. After de novo review of the documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 7<sup>th</sup> day of March, 2012;

IT IS HEREBY ORDERED that the petition for writ of habeas corpus is DENIED and a certificate of appealability is DENIED.

The Report and Recommendation [ECF No. 13] of Magistrate Judge Baxter, filed on February 15, 2010 is adopted as the opinion of the Court.

s/ Sean J. McLaughlin  
United States District Judge

cm: All parties of record  
Susan Paradise Baxter, U.S. Magistrate Judge